

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Dwight Xavier Jones, a/k/a Dwight X	)	Civil Action No.: 3:22-cv-04087-RBH
Jones, a/k/a Dwight Jones,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Cayce Public Safety, in their official and	)	
individual capacities; Cal Thomas, in their	)	
official and individual capacities; R.	)	
Garman, in their official and individual	)	
capacities; and D. Stewart, in their official	)	
and individual capacities,	)	
	)	
Defendants.	)	
	)	

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Kaymani D. West, who recommends dismissing this action with prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).<sup>1</sup> *See* ECF No. 42.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

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<sup>1</sup> The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.).

Neither party has filed objections to the R & R, and the time for doing so has expired.<sup>2</sup> In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” (quoting Fed. R. Civ. P. 72 advisory committee's note)).

Having found no clear error, the Court **ADOPTS** the Magistrate Judge's R & R [ECF No. 42] and **DISMISSES** this action *with prejudice*. The pending Motion for Summary Judgment filed by Defendants [ECF No 33] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

Florence, South Carolina  
June 27, 2023

s/ R. Bryan Harwell  
R. Bryan Harwell  
Chief United States District Judge

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<sup>2</sup> Plaintiff's objections were due by June 26, 2023. *See* ECF Nos. 42 & 43. Defendants' objections were due by June 22, 2023. *See* ECF No. 42.